

Chapter 19.12 FR-0.5, FR-1, FR-2.5, FR-5, FR-10, FR-20, FR-50 AND FR-100 FORESTRY AND RECREATION ZONES

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19.12.010 Purpose of provisions.

The purpose of the forestry and recreation zones is to permit the development of the foothill and canyon areas of the county for forestry, recreation, and other specified uses to the extent such development is compatible with the protection of the natural and scenic resources of these areas for the continued benefit of future generations. (Ord. 1417 § 5 (part), 1998)

19.12.020 Permitted uses.

The following uses are permitted in the FR zones subject to compliance with all applicable requirements set forth in this chapter including those relating to site and lot dimensions, development standards, and other regulations:

- A. Accessory uses and structures customarily incidental to a permitted use;
- B. Agriculture, as defined in Section 19.04.020;
- C. Home business, subject to Chapter 19.85;
- D. Home day care/preschool for six or fewer children subject to the conditions set forth in Section 19.04.293;
- E. Household pets, provided the area proposed for animals is not in a watershed area, primary water supply recharge area, or drinking water source protection area, as determined by the Salt Lake Valley health department or Utah Department of Environmental Quality;
- F. Minor ski resort improvements, provided:
 - 1. That the privately owned land areas on which such improvements are permitted constitute less than ten percent of the total land area utilized for the ski resort that the improvements support, and
 - 2. That at least ninety percent of the land area on which the improvements are developed, operated, and maintained is on public lands, and
 - 3. That the public agency responsible for the management and administration of such lands has

previously approved a special use permit or similar regulatory authorization, and has assumed long-term administrative and enforcement responsibilities for such approvals, and

4. That opportunities for public notice, review, and comment on the proposed improvements have been provided through a finalized National Environmental Policy Act (NEPA) or other comprehensive public review and comment process, and

5. That such improvements are either:

a. Essential to public safety, or

b. Required in association with the reasonable repair or maintenance of existing legally established facilities and improvements, or

c. Essential to the continuation or extension of improvements approved under the terms of a governmental land lease or use permit or by final action of the federal or state governmental agency with jurisdiction over the lands on which the improvements are located;

G. Residential facility for persons with a disability, provided that each such facility shall not be located within one-half mile of a similarly licensed residential facility for persons with a disability;

H. Single-family dwellings;

I. Wireless telecommunication facilities; provided:

1. The wireless telecommunication facility is a wall-mounted or roof-mounted facility, and

2. The facility is mounted on a nonresidential building, and

3. A computer-generated visual simulation of the proposed structure is submitted as part of the required site plan, and

4. All other applicable requirements set forth in Chapter 19.83, "Wireless Telecommunications Facilities," are satisfied. (Ord. 1597 § 3, 2006; Ord. 1535 § 4 (part), 2004; Ord. 1473 (part), 2001; Ord. 1454 § 3 (part), 1999; Ord. 1452 § 5, 1999; Ord. 1417 § 5 (part), 1998)

19.12.030 Conditional uses.

The following conditional uses are subject to the requirements of this chapter, all general and specific conditions, criteria, and approval procedures set forth in Chapter 19.84, "Conditional Uses," and for properties situated within the foothills and canyons overlay zone, the procedures and provisions of Chapter 19.72, "Foothills and Canyons Overlay Zone" and Chapter 19.73, "Foothills and Canyons Site Development and Design Standards."

The development services director may review and approve conditional use permits for ski resort facilities and improvements which satisfy the criteria set forth in subparts (E)(1) through (E)(4) of Section 19.12.020 of this chapter. In granting such approval within a foothills and canyon overlay zone, the development services director may waive and/or modify the regulations of Chapters 19.72 and 19.73 of this title in accordance with the procedures and criteria set forth in Section 19.72.060, "Administration and enforcement."

Ski resort facilities and improvements which do not satisfy the criteria of Section 19.12.020, subparts (E)(1) through (E)(4) of this chapter, as well as those which are referred to the planning commission by the development services director in accordance with Section 19.84.080 provisions of this title, shall be subject to review and approval by the planning commission. In its consideration of ski resort, public use, and mineral extraction and processing development proposals in areas situated within the foothills and canyons overlay zone, the planning commission may waive and/or modify the regulations of Chapters 19.72 and 19.73 of this title in accordance with the procedures and criteria set forth in Section 19.72.060, "Administration and enforcement."

A. Accessory uses and structures customarily incidental to a conditional use;

B. Bed and breakfast homestay; provided:

1. The access to the site and the on-site parking are available for use and maintained, including snow removal, throughout the entire year, and

2. An approved drinking water supply and wastewater disposal system is available that is capable of

supporting the use throughout the entire year, and is approved by the health department prior to issuance of a license.

C. Commercial and private recreation;

D. Day care/preschool center, subject to the conditions set forth in Section 19.76.260;

E. Dwelling group, provided:

1. The parcel of ground on which the dwelling group, as defined in Section 19.04.190, is to be erected shall have an area equal to the aggregate of the minimum lot areas otherwise required in the zone for the number of individual dwelling structures in the group,
2. A minimum of two parking spaces shall be provided for each dwelling unit. Parking spaces and vehicular maneuvering areas shall meet county standards,
3. The development or site plan shall provide a landscaped buffer area along the perimeter property lines and decorative landscaping adjacent to the buildings in appropriate locations, and
4. An approved drinking water supply and wastewater disposal system is available that is capable of supporting the use throughout the entire year, and is approved by the health department.

F. Home day care/preschool for no fewer than seven nor more than twelve children, subject to the conditions set forth in Section 19.04.293;

G. Horses, and animals and fowl for family food production, as defined in Section 19.04.235 of this title, provided that:

1. The area proposed for animals is not a watershed area, as determined by the health department, and
2. The use will not create unreasonable on-site erosion, downstream siltation, bacteriological or biological pollution in subsurface or surface waters, destruction of vegetation, air pollution, including dust and odors or other detrimental environmental effects. In determining the environmental effects of the use, the planning commission shall seek and consider recommendations from the health department and other concerned agencies, and may require the applicant to submit scientific studies including analysis of slope, soils, vegetative cover, availability of water, and other elements necessary to establish environmental effects of the proposed use, and
3. The planning commission may limit the number of animals and fowl, or limit the amount of ground to be devoted to such use, or make other conditions to ensure environmental protection, and
4. After the use is established, if the planning commission determines, based on findings of facts, that unreasonable environmental degradation is occurring, the planning commission may, after notification to the applicant and hearing, establish additional conditions or order the use to be abated;

H. Living quarters for persons employed on the premises of any main use;

I. Logging and lumber processing, provided evidence is presented of approval by any federal or state agencies with jurisdiction over such use;

J. Mineral extraction and processing; provided that:

1. The applicant shall comply with all applicable regulations of this chapter, including but not limited to site grading and drainage, landscaping, and environmental standards, and all applicable provisions in Chapter 19.72, "Foothills and Canyons Overlay Zone," and Chapter 19.73, "Foothills and Canyons Site Development and Design Standards," and
2. Such use shall not be located within one thousand feet of any residential use or lot, and
3. The perimeter of the site shall be screened from adjacent properties and roads with a buffer yard of adequate width and opacity as determined by the county, and
4. The applicant submits a plan, prepared by a qualified professional, that shows the location of existing and proposed watercourses and drainage systems, including lakes, ponds, and detention basins,
5. Water accumulating on the site shall be removed to a drainage way and any contaminated water shall be treated before being allowed to enter a drainage way, and
6. The applicant shall present evidence of all necessary state and/or federal permits and approvals, and
7. Access shall be provided, either directly or over a private haul road, to an arterial street that is designed for heavy truck traffic, and

8. A haul road entering the site from a public street or road shall be paved for at least a distance of five hundred feet from the public street or road, and
 9. The property shall be posted with a notice of dangerous conditions and warning trespassers away, and
 10. Operations shall be conducted in compliance with health department regulations and standards regarding noise, odor, vibrations, dust, blowing debris, hazardous materials, and air quality, and
 11. The applicant shall submit a general plan for proposed rehabilitation of the site, including a schedule of rehabilitation measures and proposed ground cover and landscaping to be installed following the completion of the operation or the expiration of the conditional use approval (see Sections 19.72.030H, "Tree and Vegetation Protection," and 19.72.030C, "Grading Standards"), and
 12. If a change in ownership occurs, the new owner shall submit a new application for conditional use approval. Approval of the new application shall not be granted until all new federal and/or state permits are issued to the new owner, and
 13. Any suspension or revocation of required state or federal permits shall constitute a violation of this chapter and will result in automatic suspension or revocation of all county approvals and permits, and
 14. The county may require a bond in favor of the county to be posted by the applicant to cover damages that may occur to county roads as a result of hauling materials excavated from the permitted site. The amount of the bond less any sums needed to correct damages shall be refunded to the excavator within one year after the conclusion of the excavation, and
 15. The county may impose additional conditions addressing access, circulation, operations, noise, hours of operation, and similar impacts it deems necessary to minimize potential significant impacts on adjacent properties and streets.
- K. Offices incidental to main use;
- L. Planned unit development subject to the conditions and requirements set forth in Chapter 19.78, "Planned Unit Developments";
- M. Public and quasi-public uses;
- N. Residential facility for elderly persons;
- O. Short term rentals provided that:
1. The property is located within Big or Little Cottonwood Canyons east of the dividing line between R1E and R2E, and
 2. The on-site parking and the access to the site are available for use and maintained, including snow removal, throughout the entire year, and
 3. The dwelling unit is served by an approved drinking water supply and public sewer system that are capable of supporting the use throughout the entire year, and are approved by the health department prior to issuance of a license.
- P. Ski resorts;
- Q. Temporary structures;
- R. Underground record storage vaults, provided:
1. The facility complies with the requirements for development set forth in Chapter 19.72, "Foothills and Canyons Overlay Zone" and Chapter 19.73, "Foothills and Canyons Site Development and Design Standards," including but not limited to development standards for grading, wildlife habitat protection, tree and vegetation protection, outdoor lighting, natural hazards, and utilities, and standards for establishing limits of disturbance, and
 2. Excavation of the site to construct the underground vaults shall be conducted as follows:
 - a. Access to the site shall be controlled through one point, and
 - b. The excavator shall post the property, noting that a dangerous condition exists and warning trespassers away, and
 - c. The excavator shall take care that trucks leaving the property are not overloaded and that spilled material is removed from adjacent public roads not less frequently than once every twenty-four hours

while the excavation is in progress, and

d. Water accumulating on the site shall be removed to a drainage way and any contaminated water shall be treated before being allowed to enter a drainage way, and

e. When the operation ceases for a period of at least ninety days or moves from one area of the site to another, slope and graded areas remaining shall be left in accordance with the requirements for grading and revegetation set forth in Sections 19.72.030B and C of the foothills and canyons overlay district, and

f. The county may require a bond in favor of the county to be posted by the excavator to cover damages that may occur to county roads as a result of hauling materials excavated from the permitted site. The amount of the bond less any sums needed to correct damages shall be refunded to the excavator within one year after the conclusion of the excavation.

3. The applicant shall submit a general plan for proposed rehabilitation of the excavated site, including a schedule of rehabilitation measures and proposed ground cover and landscaping to be installed following the completion of the excavation.

S. Wireless telecommunication facilities, as that term and all related terms are defined in Section 19.83.020, provided:

1. The wireless telecommunication facility is either a wall-mounted, roof-mounted, or monopole facility. Facilities located on lattice towers are prohibited, and

2. Any grading for the facility, including access roads and trenching for utilities, shall comply with the Uniform Building Code, and

3. The facility complies with the requirements for development set forth in the foothills and canyons overlay zone, Chapter 19.72, including development standards for grading, wildlife habitat protection, tree and vegetation protection, natural hazards, and utilities, and standards for establishing limits of disturbance, and

4. Site placement and facility color shall be carefully considered to blend in with the natural surroundings, and 5. Continuous outside lighting is prohibited unless required by the FAA for monopole facilities, and

6. The maximum height for monopole facilities shall be sixty feet, and

7. A computer-generated visual simulation of the proposed structure is submitted as part of the required site plan and shall show all structures including but not limited to monopoles, antennas, and equipment buildings; and all other applicable requirements set forth in Chapter 19.83, "Wireless Telecommunications Facilities," are satisfied. (Ord. 1473 (part), 2001; Ord. 1454 § 3 (part), 1999; Ord. 1417 § 5 (part), 1998)

19.12.040 Lot area, lot width, density, and slope.

A. Lot Area, Lot Width, and Density Requirements:

District	Minimum Lot Area	Minimum Lot Width	Maximum Residential Density (dwelling units per gross acre)
FR-0.5	½ acre	100 feet	2 d.u. per gross acre
FR-1	1 acre	200 feet	1 d.u. per gross acre
FR-2.5	2--2 ½ acres	250 feet	1 d.u. per 2.5 gross acres
FR-5	5 acres	300 feet	1 d.u. per 5 gross acres
FR-10	10 acres	300 feet	1 d.u. per 10 gross acres
FR-20	20 acres	300 feet	1 d.u. per 20 gross acres
FR-50	50 acres	300 feet	1 d.u. per 50 gross acres

FR-100	100 acres	300 feet	1 d.u. per 100 gross acres
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B. Measurement of Lot Width. The minimum lot width of any lot shall be measured at a distance of fifty feet from the front lot line.

C. Slope Requirements. All development in the FR zones shall be subject to the slope protection standards set forth in the foothills and canyons overlay zone, Section 19.72.030B, "Slope Protection Standards" and Section 19.72.030D, "Streets and Roads." (Ord. 1473 (part), 2001: Ord. 1417 § 5 (part), 1998)

19.12.050 Limits of disturbance/setbacks.

Because of the unique nature of the topography and climatic conditions of the foothill and canyon areas, limits of disturbance and setbacks for permitted uses including single-family dwellings and accessory structures in the FR zones shall be determined on a case-by-case basis by the development services director. Limits of disturbance and setbacks for conditional uses shall be as finally approved by the planning commission, upon the recommendation of the development services director (see Chapter 19.72). All determinations of limits of disturbance shall be subject to the conditions and criteria set forth in the foothills and canyons overlay zone, Section 19.72.040, "Establishment of limits of disturbance." (Ord. 1417 § 5 (part), 1998)

19.12.060 Building height.

A. Except as otherwise specifically provided in this title, no building or structure shall exceed the following heights:

1. Thirty feet on property where the original slope exceeds fifteen percent or the property is located in the foothills and canyons overlay zone. For purposes of this section, the slope shall be determined using a line drawn from the highest point of elevation to the lowest point of elevation on the perimeter of a box which encircles the foundation line of the building or structure. The box shall extend for a distance of fifteen feet or to the property line, whichever is less, around the foundation line of the building or structure. The elevation shall be determined using a certified topographic survey with a maximum contour interval of two feet.

2. Thirty-five feet on other properties.

B. No single-family dwelling structure shall contain less than one story. (Ord. 1417 § 5 (part), 1998)

19.12.070 Natural hazards.

Construction of permanent structures in areas subject to natural hazards, including floods, landslides, and avalanches, shall be subject to the requirements and limitations set forth in Chapter 19.74, "Floodplain Hazard Regulations," and Chapter 19.75, "Natural Hazard Areas." (Ord. 1417 § 5 (part), 1998)

19.12.080 Water quality.

A. Department of Health Approval Required. Prior to issuance of a conditional use permit or site development plan approval for all uses in the FR zones, regardless of size or number of units, the applicant shall receive the written approval of the board of health certifying that all water quality and health requirements have been satisfied and that the proposed construction will not damage the natural watershed.

B. Developments of More than Nine Lots/Units. Developments of more than nine lots or units shall receive the written approval of the Utah Department of Environmental Quality certifying that the culinary water system and the sewerage system meet all state water quality and health requirements. All approvals shall be in accordance with the regulations of the Utah Department of Environmental Quality relating to culinary water supply and wastewater disposal.

C. Applicable State Regulations and Standards. The applicable state regulations for individual wastewater disposal systems can be found in the Utah Administrative Code, Sections R317-501 through R317-513, as amended from time to time. The applicable state regulations for culinary water supply can be found in Utah Administrative Code, as amended from time to time.

D. Subsequent Changes in Site Plan. If after health department or Utah Department of Environmental Quality review and action pursuant to this section, a site development plan is modified such that the original limits of disturbance change, the applicant must submit the modified site plan to the appropriate health agency for retesting and a new determination whether all state wastewater and culinary water standards have been met. Evidence of such retesting must be submitted prior to final approval of the site development plan. (Ord. 1473 (part), 2001: Ord. 1417 § 5 (part), 1998)

19.12.090 Grading.

Grading shall be permitted only in conformance with the standards and limitations set forth in the foothills and canyons overlay zone, Section 19.72.030C, "Grading Standards." (Ord. 1417 § 5 (part), 1998)

19.12.100 Tree and vegetation protection.

Removal of trees or natural vegetation shall not be permitted except in conformance with the standards and requirements set forth in the foothills and canyons overlay zone, Section 19.72.030H, "Tree and Vegetation Protection." (Ord. 1417 § 5 (part), 1998)

19.12.110 Utilities.

All utilities in the FR zones shall be placed underground, except as may be provided for in Chapter 19.79, "Utility and Facility System Placement Regulations." (Ord. 1417 § 5 (part), 1998)

19.12.120 Building location, construction, and design.

All buildings and accessory structures in the FR zones, including single-family dwellings, shall be located, constructed, and designed in compliance with the development standards set forth in the foothills and canyons overlay zone, Section 19.72.050, "Development standards," and in Chapter 19.73 of this title, "Foothills and Canyons Site Development and Design Standards." (Ord. 1417 § 5 (part), 1998)

19.12.130 Off-street parking.

A. Permitted Uses. The planning and development services division director shall determine the number of off-street parking spaces required, provided the minimum requirements of Chapter 19.80 are met, except that the planning commission may modify the requirements of Sections 19.80.060 through 19.80.120 if such modification will better preserve views, protect existing trees/vegetation, or reduce the amount of disturbance to steep slopes, wetlands, streams, or other sensitive environmental areas.

B. Conditional Uses. The planning commission shall determine the number of off-street parking spaces required provided the minimum requirements of Chapter 19.80 are met, except that the planning commission may modify the requirements of Sections 19.80.060 through 19.80.120 if such modification will better preserve views, protect existing trees/vegetation, or reduce the amount of disturbance to steep slopes, wetlands, streams, or other sensitive environmental areas.

C. Covered parking is encouraged for all developments in the FR zone. (Ord. 1473 (part), 2001: Ord. 1417 § 5 (part), 1998)

19.12.140 Site development plan approval.

Site development plans for all development in the FR zone, including single-family dwellings, shall be approved prior to issuance of any building permits pursuant to the site development plan approval

requirements set forth in the foothills and canyons overlay zone, Section 19.72.050, "Approval procedures for development in the foothills and canyons overlay zone." (Ord. 1417 § 5 (part), 1998)

19.12.150 Applicability to lots of record and waivers from slope requirements.

A. Applicable to Lots of Record. All standards and requirements for development in the FR zones as set forth in this chapter shall apply to development on lots and in subdivisions that were recorded prior to the enactment date of the ordinance codified in this chapter.

B. Lots of Record--Waivers from Slope Requirements. For properties in the FR zones also located in the foothills and canyons overlay zone (see Chapter 19.72), the planning commission may waive grade requirements for streets/roads and slope protection requirements for lots of record and lots and plans of subdivisions that were approved prior to the enactment of Chapter 19.72, provided the conditions and criteria set forth in Section 19.72.060A are satisfied. (Ord. 1417 § 5 (part), 1998)